

Ney	Ross	Sullivan	[Roll No. 272]	Oxley	Ryun (KS)	Taylor (MS)
Northup	Rothman	Sweeney		Pallone	Sabo	Taylor (NC)
Norwood	Roybal-Allard	Tancred		Pascarell	Salazar	Terry
Nunes	Royce	Tanner		Pastor	Sánchez, Linda	Thomas
Nussle	Ruppersberger	Tauscher		Payne	T.	Thompson (CA)
Obey	Rush	Taylor (MS)		Pearce	Sánchez, Loretta	Thompson (MS)
Oliver	Ryan (OH)	Taylor (NC)		Pence	Sanders	Thornberry
Ortiz	Ryan (WI)	Terry		Peterson (MN)	Saxton	Tiahrt
Osborne	Ryun (KS)	Thomas		Peterson (PA)	Schakowsky	Tiberi
Otter	Sabo	Thompson (CA)		Petri	Schiff	Tierney
Owens	Salazar	Thompson (MS)		Pickering	Schwartz (PA)	Towns
Oxley	Sánchez, Linda	Thornberry		Pitts	Schwarz (MI)	Turner
Pallone	T.	Tiahrt		Platts	Scott (GA)	Udall (CO)
Pascarell	Sánchez, Loretta	Tiberi		Poe	Scott (VA)	Udall (NM)
Pastor	Sanders	Tierney		Pombo	Sensenbrenner	Upton
Paul	Saxton	Towns		Pomeroy	Serrano	Van Hollen
Pearce	Schakowsky	Turner		Porter	Shadegg	Velázquez
Pence	Schiff	Udall (CO)		Price (GA)	Shaw	Visclosky
Peterson (MN)	Schwartz (PA)	Udall (NM)		Price (NC)	Shays	Walden (OR)
Peterson (PA)	Schwarz (MI)	Upton		Pryce (OH)	Sherman	Walsh
Petri	Scott (GA)	Van Hollen		Putnam	Sherwood	Wamp
Pickering	Scott (VA)	Velázquez		Radanovich	Shimkus	Wasserman
Pitts	Sensenbrenner	Visclosky		Rahall	Shuster	Schultz
Platts	Serrano	Walden (OR)		Ramstad	Simmons	Waters
Poe	Shadegg	Walsh		Rangel	Simpson	Watson
Pombo	Shaw	Wamp		Regula	Skelton	Watt
Pomeroy	Shays	Wasserman		Rehberg	Slaughter	Waxman
Porter	Sherman	Schultz		Reichert	Smith (NJ)	Weiner
Price (GA)	Sherwood	Waters		Renzi	Smith (TX)	Weldon (FL)
Price (NC)	Shimkus	Watson		Reynolds	Smith (WA)	Weldon (PA)
Pryce (OH)	Shuster	Waxman		Rogers (AL)	Snyder	Weller
Putnam	Simmons	Weiner		Rogers (KY)	Sodrel	Westmoreland
Radanovich	Simpson	Weldon (FL)		Rogers (MI)	Solis	Wexler
Rahall	Skelton	Weldon (PA)		Rohrabacher	Souder	Whitfield
Ramstad	Slaughter	Weller		Ros-Lehtinen	Spratt	Wicker
Rangel	Smith (NJ)	Westmoreland		Ross	Stearns	Wilson (NM)
Regula	Smith (TX)	Wexler		Rothman	Strickland	Wilson (SC)
Rehberg	Smith (WA)	Whitfield		Roybal-Allard	Stupak	Wolf
Reichert	Snyder	Wicker		Royce	Sullivan	Woolsey
Renzi	Sodrel	Wilson (NM)		Ruppersberger	Sweeney	Wu
Reynolds	Solis	Wilson (SC)		Rush	Tancred	Wynn
Rogers (AL)	Souder	Wolf		Ryan (OH)	Tanner	Young (FL)
Rogers (KY)	Spratt	Wu		Ryan (WI)	Tauscher	
Rogers (MI)	Stearns	Wynn				
Rohrabacher	Strickland	Young (FL)				
Ros-Lehtinen	Stupak					

NOES—14

Carson	Kucinich	Payne
Frank (MA)	Lee	Stark
Hastings (FL)	McDermott	Watt
Honda	McGovern	Woolsey
Jackson (IL)	Moore (WI)	

NOT VOTING—17

Blumenauer	Davis, Tom	Pelosi
Bono	Gillmor	Reyes
Buyer	Hooley	Sessions
Cardin	Inslee	Young (AK)
Conyers	Millender-	
Cox	McDonald	
Cuellar	Oberstar	

□ 2036

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 1, SUBPART C AMENDMENT NO. 1 OFFERED BY MR. CANTOR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CANTOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 9, not voting 13, as follows:

AYES—411

DeLay	Johnson, Sam
Dent	Jones (NC)
Akin	Jones (OH)
Diaz-Balart, L.	Kanjorski
Diaz-Balart, M.	Kaptur
Allen	Keller
Dicks	Kelly
Dingell	Kennedy (MN)
Doggett	Kennedy (RI)
Doolittle	Kildee
Doyle	Kilpatrick (MI)
Drake	Kind
Dreier	King (IA)
Duncan	King (NY)
Edwards	Kingston
Ehlers	Kirk
Emanuel	Kline
Emerson	Knollenberg
Engel	Kolbe
English (PA)	Kuhl (NY)
Eshoo	LaHood
Etheridge	Langevin
Evans	Lantos
Everett	Larsen (WA)
Farr	Larson (CT)
Fattah	Latham
Feeney	LaTourrette
Ferguson	Leach
Filner	Levin
Fitzpatrick (PA)	Lewis (CA)
Flake	Lewis (GA)
Foley	Lewis (KY)
Forbes	Linder
Ford	Lipinski
Fortenberry	LoBiondo
Fossella	Lofgren, Zoe
Fox	Lowey
Frank (MA)	Lucas
Franks (AZ)	Lungren, Daniel
Frelinghuysen	E.
Gallely	Lynch
Garrett (NJ)	Mack
Gerlach	Maloney
Gibbons	Manzullo
Gilchrest	Marchant
Gingrey	Gonzalez
Gohmert	Goode
Brown-Waite,	Goodlatte
Ginny	Gordon
Burgess	Granger
Burton (IN)	Graves
Butterfield	Green (WI)
Buyer	Green, Al
Calvert	Green, Gene
Camp	Grijalva
Cannon	Gutierrez
Cantor	Gutknecht
Capito	Hall
Capps	Harman
Capuano	Harris
Cardin	Hart
Cardoza	Hastings (FL)
Carnahan	Hastings (WA)
Carson	Hayes
Carter	Hayworth
Case	Hefley
Castle	Hensarling
Chabot	Herger
Chandler	Herseth
Chocola	Higgins
Clay	Hinche
Cleaver	Hinojosa
Clyburn	Hobson
Coble	Hoekstra
Cole (OK)	Holden
Conaway	Holt
Cooper	Honda
Costa	Hostettler
Costello	Hoyer
Cramer	Hulshof
Crenshaw	Hunter
Crowley	Hyde
Cubin	Inglis (SC)
Culberson	Inslee
Cummings	Israel
Cunningham	Issa
Davis (AL)	Istook
Davis (CA)	Jackson (IL)
Davis (FL)	Jackson-Lee
Davis (IL)	(TX)
Davis (KY)	Jefferson
Davis (TN)	Jenkins
Davis, Jo Ann	Jindal
Deal (GA)	Johnson (CT)
DeFazio	Johnson (IL)
DeGette	Johnson, E. B.
DeLauro	

NOES—9

Abercrombie	Lee	Moore (WI)
Conyers	McDermott	Paul
Kucinich	McKinney	Stark

NOT VOTING—13

Blumenauer	Gillmor	Pelosi
Bono	Hooley	Reyes
Cox	Millender-	Sessions
Cuellar	McDonald	Young (AK)
Davis, Tom	Oberstar	

□ 2056

Mr. CAPUANO changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FORTENBERRY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes, had come to no resolution thereon.

LIMITING DEBATE ON HOUSE RESOLUTION 324

Mr. DELAY. Mr. Speaker, I ask unanimous consent that debate on the resolution noticed by the gentleman from New York (Mr. NADLER) be limited to 30 minutes equally divided and controlled by the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. NADLER. Mr. Speaker, I offer a privileged resolution (H. Res. 324) as to a question of the privileges of the House and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 324

Resolution disapproving the manner in which Representative Sensenbrenner has responded to the minority party's request under rule XI of the House of Representatives for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act and the manner in which such hearing was conducted.

Whereas Representative Sensenbrenner willfully and intentionally violated the Rules of the House of Representatives by abusing and exceeding his powers as chairman;

Whereas subsequent to receiving a request for an additional day of hearings by members of the minority party pursuant to rule XI, Representative Sensenbrenner scheduled such hearing on less than 48 hours notice;

Whereas such hearing occurred on Representative Sensenbrenner's directive at 8:30 a.m., on Friday, June 10, 2005, a date when the House was not in session and votes were not scheduled;

Whereas Representative Sensenbrenner directed his staff to require that the witnesses' written testimony be made available on less than 18 hours notice;

Whereas, during the course of the hearing, Representative Sensenbrenner made several false and disparaging comments about members of the minority party in violation of rule XVII;

Whereas, Representative Sensenbrenner failed to allow members of the committee to question each witness for a period of 5 minutes in violation of rule XI;

Whereas Representative Sensenbrenner refused on numerous and repeated occasions throughout the hearing to recognize members of the minority party attempting to raise points of order;

Whereas when Representative Nadler and Representative Jackson-Lee sought recognition to raise a point of order, Representative Sensenbrenner refused to recognize Representative Nadler or Representative Jackson-Lee, and intentionally and wrongfully adjourned the committee without obtaining or seeking either unanimous consent or a vote of the committee members present in violation of rule XVI;

Whereas subsequent to Representative Sensenbrenner's improper adjournment of the hearing, his staff turned off the microphones and the electronic transmission of the proceedings and instructed the court reporter to stop taking transcription, even though the committee hearing had not been properly adjourned, and members of the minority party had invited witnesses to continue to speak; and

Whereas Representative Sensenbrenner willfully trampled the right of the minority to meaningfully hold an additional day of hearings in violation of the Rules of the House of Representatives, and brought discredit upon the House of Representatives: Now, therefore, be it

Resolved, That

(1) the House strongly condemns the manner in which Representative Sensenbrenner has responded to the minority party's request for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act, and the manner in which such hearing was conducted; and

(2) the House instructs Representative Sensenbrenner, in consultation with Representative CONYERS, to schedule a further day of hearings with witnesses requested by members of the minority party concerning the reauthorization of the USA PATRIOT Act."

□ 2100

The SPEAKER pro tempore (Mr. THORNBERRY). The resolution presents a question of the privileges of the House.

Under the previous order of the House, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with regret that I must rise again to invoke the privileges of the House and to defend the rules and the spirit of simple courtesy and cooperation. I do not enjoy taking the time of this House away from our important business to do so; but recent events, the willful and repeated disregard for the rules of the House, the persistent abuse of power by the chairman of the Judiciary Committee, and the flagrant abuse of the rights of the minority make this resolution necessary.

As I said the last time I came to the floor for this purpose, it is my fervent hope that this will be the last time it will ever be necessary for me or any other Member to offer such a resolution or to rise on a question of personal privilege. We should be spending our time dealing with the problems and concerns of the American people; but when a chairman abuses his power to stifle debate, Members of this House, both Republicans and Democrats, have a duty to defend the honor of this institution and the integrity of its proceedings. So long as power is abused, rules are ignored and broken and the rights of Members who represent millions of Americans are violated, this House cannot do its job properly. The American people are cheated of their right to an honest, open, fair, and democratic debate on issues affecting the future of our Nation. That is why we are here again today.

These are the facts: the minority is entitled by the rules to a day of hearings. It is a right rarely exercised, but it guards against the majority abusing its power to exclude competing views. Call it the fair and balanced rule. It is not the chairman's right to determine whether we deserve, in quotes, a hearing. It is not the chairman's right to decide whether his prior hearings were sufficient. It is not the chairman's right to decide whether what we say or think is acceptable or relevant. And it

is certainly never the chairman's right to violate the rules in order to interfere with our right to conduct the hearing guaranteed to us by the rules.

The chairman is entitled to his opinions. He is not entitled to break the rules, to abuse his power and to impose his will. The chairman as a general rule permits only one minority witness in each committee or subcommittee hearing of the Judiciary Committee. I know of no other committee with this sort of restrictive rule. No matter what the issue, no matter how complex, no matter how many perspectives there might be, the chairman does not allow more than one minority witness.

On that basis alone, we have every right to insist on a day of hearings every time, a day of minority hearings, but we do not. Of course, that is when he allows hearings at all. In this Congress alone, the chairman has decided that we do not need hearings on such important issues as amendments to the Constitution, alleged mistreatment of detainees, and a rewrite of our bankruptcy code. These are hardly isolated cases. Is that the way we are supposed to do our job? No need for a hearing, the chairman wants to do it, so let's just do it. We do not need a hearing to look at the facts.

Members under the rules have the right to question each witness for 5 minutes apiece. We checked with the Parliamentarian. That is 5 minutes for each member for each witness. Yet the chairman repeatedly refused to recognize members. He consistently and abusively cut off members and witnesses in mid-sentence. It is the chairman's custom, to which we have not objected, to be fairly strict and after the 5 minutes are over to say, finish your thought or make your answer brief. That is fine.

In this hearing, because it was a minority-called hearing, he consistently cut off members and witnesses in mid-sentence, and rather rudely. In one case, when a member of the majority accused a witness of endangering American lives, the chairman refused the witness the opportunity to respond. Of course, the chairman did not limit himself to 5 minutes. He recognized himself for an additional 5 minutes toward the end of the hearing in order to deride the witnesses and the minority members of the committee without allowing any response.

Every Member of this House, Mr. Speaker, serves on committees and every Member of this House knows that this kind of abusive behavior is virtually unheard of. Witnesses should be treated with respect. So should colleagues. I thought we all knew that. The chairman refused to recognize members who were seeking recognition. He refused to recognize members who were attempting to raise points of order. Unacceptable. A clear violation of the rules. A plain abuse of power.

The chairman simply ended the hearing unilaterally. While members were seeking recognition and attempting to raise points of order, he simply ignored